G. R. S. 58]

Previous references.
Cf 23-13-3
- 26 - 3.
- 24-14-2

1914. 15
(Courts)

File No. 223-14
Serial Nos. (1)

Later references.
99-22(1-4)
116-40 (25,26)
57-41 (3)
Dep. 47/42

Preserve
PDR 31/7/26

GENERAL AND REVENUE SECRETARIAT.

Serial Nos (1)

Part B for Dec 15

SUBJECT.

Depositions of witnesses being recorded in Kannada in all civil courts & in criminal cases before the courts of the 1st class Mags.

---

1) To The Regr, Chief Ct } J 2241-2
" Secy. Jud Comr } Dy 13/12/15

states that Govt do not consider any change necessary in this respect.

W D 1351—GPB—20,000—13-12-15

Highland
12-1-16

G. R. S. 11] 1916-15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 223-14

FILE HEADING.

Depositions of witnesses being recorded in Kannada in all civil courts and in Crl Cases before the courts of the 1st Class Magistrates

~~From~~

(Govt Confl Secretariat Depositions nos 21 & 22 Jointly

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—20,000—3-8-14

R. S. 12]

General and Revenue Secretariat. | File No. 223 of 1914-15

(2

Serial No.	
	22. That this Conference recommends that the Government of His Highness the Maharaja be pleased to issue orders that depositions of witnesses should invariably be recorded in Kannada in all courts in civil cases and in the courts of the 1st Class Magistrates in criminal cases.

Please see Vol I. No 21 next page

separately worked up.

P.T.O.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

3

(3

General and Revenue Secretariat. | G5 File No. 223 of 1914-15

Serial No.

21. That the dual system of recording evidence be re-introduced in all Civil Courts as before.

Subd. 1) The system of double record has again been brought into force in all the Courts of Munsiffs. no further action seems necessary.

Kg. 116
20/1/15

2) Though the wording of the Resolution seems to be wide enough to include evidence recorded in Sub Courts and District Courts, it seems that only the evidence recorded in the Munsiffs Courts that is principally aimed at by the Members.

3) No complaint has been urged against the recording of evidence in English by the Subjudges and District Judges.

4) If approved, this resolution will not be worked up any further considering that in all Munsiffs Courts, the dual system of recording evidence has been revived.

EB 20/1/15

First Member)

5) A draft G.O. may be passed (But the Ct-cases are treated differently & curiously there is 'No Complaint') —

etc 22/1

21/1/15

22/1

EB 22/1/15

NOTE—Contn. sheet.

GPB—25,000—2-11-14

(4

●G. R. S. 12]

General and Revenue Secretariat. | Cl. File No. 223 of 1914-15

Serial No.

Read 24/2/15

W.O.J 64-14

Extract from Resolution No 22 of the Judicial Conference of 1914 :

That this Conference recommends that the Government of His Highness the Maharaja be pleased to issue orders that depositions of witnesses shall invariably be recorded in Kannada in the Courts of the 1st Class Magistrates in Criminal Cases.

b) Forwarded unofficially to the Registrar, Chief Court, for favour of obtaining the opinion of the Judges of the Chief Court on the above resolution of the Judicial Conference.

By order

S Srinivasa Iyengar

26th Jan 1915. for Chief Secretary

OPINION OF THE CHIEF COURT

3845/261 26/2/15.

7) The Judges have obtained the opinion of Sessions Judges on this point. The Sessions Judge of Shimoga supports the resolution but gives no reason: the District Judges of Mysore and Bangalore are opposed to it; their main reason

NOTE—Contn. sheet.

GPB—95,000—2-11-14

(5)

Serial No.

reason is that the present system has not been ~~shew~~ shewn to give rise to any miscarriage of justice, or to the framing of incorrect records. The Judges observe that the reported proceedings of the Conference do not contain the reasoning, if any, by which the resolution was supported, and they do not know of any good reason for altering the present system, so long as care is taken to entrust the power of recording evidence in English to those Magistrates only who are fully competent to exercise it. The only good reason that suggests itself for making in all cases a record of the evidence in the language of the Court, is that parties and pleaders who may have to peruse the record and who do not in this country regularly make their own notes of the evidence may not be acquainted with English sufficiently to enable them to understand the English depositions. The Judges have not themselves received any complaints on this score, nor do the Sessions Judges suggest that any inconvenience has been brought to their notice. The Judges are not in these circumstances able to recommend that the Government should undertake to direct 1st Class Magistrates in all cases to record the evidence in their own hand in the language of the Court, nor do they think that good reason has been shewn why the Government should

NOTE—Contn. sheet.

GPB—65,000—2-11-14

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 223 of 1914-15

Serial No.

should not in proper cases direct that evidence be recorded in English by Magistrates competent to make a correct record in that language.

8) All 1st Class Magistrates know English, and all qualified pleaders are able to argue in that language; it is the language in which the work of all the superior courts is mainly carried on, and there are advantages in appealable cases, in having a complete record in that language made by the Magistrate himself, rather than a mere memorandum of the substance of the evidence. Until therefore it is shewn that the present practice is injurious to the administration of justice the Judges are not prepared to support the resolution of the Conference.

H. Satyanarayana

Chief Court of Mysore,
24th February 1915.

REGISTRAR.

S

P.T.O.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

(7

General and Revenue Secretariat.

C5 File No. 223 of 1916-15

Serial No.

9) Sub° with a draft G.O. as per para 5 on resolution No 21 and in accordance with the opinion of the Chief Court on resolution No 22.

W.S. Hill
11.6.15

10) For approval or other order.

S
12/6

First Member)

General

11) So long as the present system of doing work continues, there are certain advantages in having a record of evidence in English. But it would be more rational to record the evidence in the language in which it is given. The English memorandum may remain and virtually it would be a record of the ~~the~~ full evidence even then as at present. A record may be simultaneously

NOTE—Contn. sheet.

GPB—°5,000—2-11-14

C.S.

(8)

G. R. S. 12]

General and Revenue Secretariat.

C/S File No. 223 of 1914-15

Serial No.

made by a Munsiff. This will perhaps mean a little delay in some cases, but not much I should think, nor would it require any increase of establishment.

(2) The Judges and Magistrates as a body are not however likely to accept this view & if at all, it should be enforced as a matter of policy by Govt.

(3) The file may be circulated ~~to Council~~ and with the Diwan's permission considered at a meeting.

19/6/15

79 86.

Diwan) (4) Maybe brought up at a meeting —

Dmg 26/6

14/7/15

mem 355-15 357

(5). C.S as Diwan

16/7

Gs/16/7

16. 8. 15.

NOTE—Contn. sheet.

GPB—25,000—22-3-15

GPB—1,000—19-7-13

(9

Extract from the Proceedings of the ..358th.. Meeting
of the Council of His Highness the Maharaja,
held at ..Bangalore.. on the ..25th.. August .. 191 5.

9. SUBJECT. - (Clause viii of the Schedule).

Question of laying down that depositions of witnesses should be recorded in Kannada in the Courts of all 1st class Magistrates.

OPINION OF THE COUNCIL.

(15) If no additional cost is involved, the system of maintaining a record of the evidence in Kannada made by a clerk simultaneously with the memorandum of depositions prepared by the Magistrate in English as in Civil cases, may be adopted.

Sd/- M. Visvesvaraya.
Dewan of Mysore.

"E x t r a c t"

D. M. Narasimhaiah

Secretary to Government,
General Department.

Cs 223-14

(10

~~G.R.S.~~ 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(17) **Assistant Secretary, Branch III, will kindly submit the file to the First Member with a draft Final Note.**

Draw
27/V

ES
27/5

(18) Draft Final Note submitted for approval

ES
30/8

First Member

(19) I have carefully considered all the factors relating to the awarding of evidence. No alteration seems necessary.

ES
7/9

First Member

(20) I am not sure. Some slight changes may be required. The draft Note may be sent up as now amended.

8/9/15

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000 ~29-6-14

Cr. 223-16

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

21) Submitted for favour of order.

Eg
11/9

Dewan)

1382
11-8-15.

22) The case may again be considered in Council. I am inclined to drop the matter.

16.11.15. RG

23) C.S. Dewan 16/11

16/11/15 Dewan 18/11

19/11 Dewan 20/11

22.11.15.

24) Next Appeara Dewan 23/11

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPD—50,050—29-6-14

G. R. S.

(12)

Extract from the Proceedings of the 367th Meeting of the Council of His Highness the Maharaja, held at BANGALORE on the 1st December 1915.

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9. SUBJECT. - (Clause viii of the Schedule).

Question of laying down that depositions of witnesses should be recorded in Kannada in the Courts of all 1st class Magistrates.

OPINION OF THE COUNCIL.

25) The proposal may be dropped.

Sd/- M. Visvesvaraya.

Dewan of Mysore.

"Extract"

D. M. Ranganna 2/12

Secretary to Government,
General Department.

GPB—2,000—5-5-10

Serial No.	
26	Submitted with extract from Council Proceedings.
	Draft
27	Draft is submitted for favour of approval
	First Member) Draft appd: by First member 5.12.15.
28	Done
1	To the Registrar Chief Court. No. J 2241-2 dated 13-12-1915. States that Govt wish to observe that care is taken to entrust the power of recording evidence in English to those magistrates only who are competent to exercise it and that the Judges of the Chief Court do not interfere the resolution of the Conference.

NOTE—Contn. sheet.

GPB—25,000—30-4-15.

Passed orders regarding depositions being recorded in Kannada both in the Civil Cts and in First Class Magistrates' Courts in Ct cases

G.R.S. 28]

Ct File No. 223-14

Serial No. 1

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

READ—

, *the* 191 .

Pages 312 to 321 of the Minute Book

Resolutions nos 21 & 22 of the 9th Conference of 1914 ~~recommending~~ recommending that the dual system of recording evidence be re-introduced in all Civil Courts as

Date of issue 13/12/1915.

Signed by Mr. G. Srinivasa Iyengar

ORDER THEREON. ~~No.~~

before and that depositions of witnesses in criminal cases before first class magistrates be also recorded in Kannada.

P. T. O.

over

SUBJECT.

GPB—50,000—1-12-12

15) Order Hereon- No. J 2241-2.

Orders have already been passed restricting the original system of double record in the Courts of Munsiffs.

With regard to the depositions in Criminal cases before first Class Magistrates, Govt wish to observe that care is taken to entrust the power of recording evidence in English to those Magistrates only who are fully competent to exercise it. The Judges of the Chief Court who were consulted in the matter do not support the restriction of in this respect the Conference / and Govt agree do not consider any change necessary in this respect. ~~with them. in this respect.~~

GS 12/16
Fr offg: Secy to Govt

To The Registrar, Chief Court

The Secy, Judicial Dept

Copy to the Press Room.

5/12/15

ME 12/16